

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

STATE OF MISSISSIPPI, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity
as Secretary of Health and Human Services,
et al.,

Defendants.

Civil Action No. 1:22-cv-00113-HSO-RPM

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DOCUMENTS CONSIDERED IN PROPOSING AND FINALIZING THE IMPROVEMENT ACTIVITY

- 265-301 Ochieng, N., Cubanski, J., Neuman, T., Artiga, S., Damico, A. *Racial and Ethnic Health Inequities and Medicare*. KFF. February 2021
- 302-308 Joynt, K.E., Orav, E.J., Jha, A.K. *Thirty-Day Readmission Rates for Medicare Beneficiaries by Race and Site of Care*. JAMA. 2011; 305(7): 675-81
- 309-330 U.S. Department of Health and Human Services, Office of the Secretary, HHS Office of Minority Health. *Progress Report to Congress: 2020 Update on the Action Plan to Reduce Racial and Ethnic Health Disparities*, FY 2020
- 331-336 Centers for Disease Control and Prevention, *Morbidity and Mortality Weekly Report* / Vol. 70 / No. 5 February 5, 2021: Sexual Orientation Disparities in Risk Factors for Adverse COVID-19–Related Outcomes, by Race/Ethnicity — Behavioral Risk Factor Surveillance System, United States, 2017-2019
- 337-365 Centers for Medicare & Medicaid Services, Office of Minority Health. *Guide to Reducing Disparities in Readmissions*, Revised August 2018
- 366-384 Singh, J.A., Lu, X., Rosenthal, G.E., Ibrahim, S., Cram, P. *Racial Disparities in Knee and Hip Total Joint Arthroplasty: An 18-Year Analysis of National Medicare Data*. Ann Rheum Dis. 2014 Dec; 73(12): 2107-15

- 385-404 Rivera-Hernandez, M., Rahman, M., Mor, V., Trivedi, A.N. *Racial Disparities in Readmission Rates among Patients Discharged to Skilled Nursing Facilities*. J Am Geriatr Soc. 2019 Aug; 67(8): 1672-79
- 405-417 Tsai, T.C., Orav, E.J., Joynt, K.E. *Disparities in Surgical 30-day Readmission Rates for Medicare Beneficiaries by Race and Site of Care*. Ann Surg. Jun 2014; 259(6): 1086-90
- 418-436 Centers for Medicare & Medicaid Services, Office of Minority Health. *The CMS Equity Plan for Improving Quality in Medicare* (Sept. 2015)
- 437-473 Centers for Medicare & Medicaid Services. *CMS Quality Strategy, 2016*
- 474-497 Centers for Medicare & Medicaid Services, Office of Minority Health. *Mapping Medicare Disparities Tool, 2021*
- 498-741 Martino, S.C., Elliott, M.N., Dembosky, J.W., Hambarsoomian, K., Burkhardt, Q., Klein, D.J., Gildner, J., Haviland, A.M. *Rural-Urban Disparities in Health Care in Medicare*. Baltimore, MD: CMS Office of Minority Health. 2019
- 742-866 National Academies of Sciences, Engineering, and Medicine. 2016. *Accounting for Social Risk Factors in Medicare Payment: Criteria, Factors, and Methods*. Washington, DC: The National Academies Press
- 867-1268 U.S. Department of Health & Human Services, Office of the Assistant Secretary for Planning and Evaluation. *Report to Congress: Social Risk Factors and Performance in Medicare's Value-Based Purchasing Program – The Second of Two Reports Required by the Improving Medicare Post-Acute Care Transformation (IMPACT) Act of 2014*, March 2020
- 1269-2246 Centers for Medicare & Medicaid Services, Office of Minority Health. *Research and Data, Stratified Reporting*.
- 1269-1276 Landing page: (<https://www.cms.gov/about-cms/agency-information/omh/research-and-data/stratified-reporting>)
- 1277-1429 Martino, S.C., Elliott, M.N., Dembosky, J.W., Hambarsoomian, K., Klein, D.J., Gildner, J., and Haviland, A.M. *Disparities in Health Care in Medicare Advantage*

	<i>Associated with Dual Eligibility or Eligibility for a Low-Income Subsidy</i> . Baltimore, MD: CMS Office of Minority Health. 2021
1430-1608	Martino, S.C., Elliott, M.N., Dembosky, J.W., Hambarsoomian, K., Klein, D.J., Gildner, J., and Haviland, A.M. <i>Racial, Ethnic, & Gender Disparities in Health Care in Medicare Advantage</i> . Baltimore, MD: CMS Office of Minority Health. 2021
1609-1813	Martino, S.C., Elliott, M.N., Dembosky, J.W., Hambarsoomian, K., Burkhart, Q., Klein, D.J., Gildner, J., Haviland, A.M. <i>Racial, Ethnic, & Gender Disparities in Health Care in Medicare Advantage</i> . Baltimore, MD: CMS Office of Minority Health. 2020
1814-1815	2020 Frequently Asked Questions: Reporting of National Medicare Advantage Quality Scores by Race, Ethnicity, and Gender
1816-1965	Martino, S.C., Elliott, M.N., Dembosky, J.W., Hambarsoomian, K., Burkhart, Q., Klein, D.J., Mallett, J.S., Haviland, A.M. <i>Racial, Ethnic, & Gender Disparities in Health Care in Medicare Advantage</i> . Baltimore, MD: CMS Office of Minority Health. 2019
1966-1967	2019 Frequently Asked Questions: Reporting of National Medicare Advantage Quality Scores by Race, Ethnicity, and Gender
1968-2103	CMS Office of Minority Health and RAND Corporation. <i>Racial, Ethnic, and Gender Disparities in Health Care in Medicare Advantage</i> . Baltimore, MD. 2018
2104-2105	2018 Appendix A: Data Source and Methods for National Level Results by Race, Ethnicity and Gender
2106-2108	2018 Frequently Asked Questions: Reporting of National Medicare Advantage Quality Scores by Race, Ethnicity, and Gender
2109-2147	CMS Office of Minority Health and RAND Corporation. <i>Racial and Ethnic Disparities by Gender in Health Care in Medicare Advantage</i> . Baltimore, MD. 2017

2148-2150	2017 Appendix A: Data Source and Methods for National Level Results by Race, Ethnicity, and Gender
2151-2153	2017 Frequently Asked Questions: Reporting of National Medicare Advantage Quality Scores by Race, Ethnicity, and Gender
2154-2191	CMS Office of Minority Health and RAND Corporation. <i>Racial and Ethnic Disparities in Health Care in Medicare Advantage</i> . Baltimore, MD. 2016
2192-2194	2016 Appendix A: Data Source and Methods
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2199-2237	CMS Office of Minority Health and RAND Corporation. <i>Racial and Ethnic Disparities in Health Care in Medicare Advantage</i> . Baltimore, MD. 2015
2238-2241	2015 Frequently Asked Questions: Reporting of National Medicare Advantage Quality Scores by Race and Ethnicity
2242-2246	Building an Organizational Response to Health Disparities – Targeted Intervention: Colorectal Cancer Screening (2015)
2247-2253	Centers for Medicare & Medicaid Services. <i>Disparities Impact Statement</i> (revised Mar. 2021)
2254-2255	Centers for Disease Control and Prevention. <i>Racism and Health: Racism is a Serious Threat to the Public’s Health</i> (2021)
2256-2262	National Institutes of Health, <i>Ending Structural Racism</i>
2263-2264	U.S. Department of Health and Human Services, Office of Minority Health. <i>National Standards for Culturally and Linguistically Appropriate Services (CLAS) in Health and HealthCare</i>
2265-2270	<i>Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government</i> (Executive Order 13,985, 86 Fed. Reg. 7009 (Jan. 20, 2021))
2271-2281	Addressing Health Equity through Improvement Activities (Mar. 12, 2021)

- 2282-2285 Jones, C.P. *Toward the Science and Practice of Anti-Racism: Launching a National Campaign Against Racism*. Ethnicity & Disease 2018; 28(Suppl I), 231-34.
- 2286-2294 Vyas, D.A., Eisenstein, L.G., Jones, D.S. *Hidden in Plain Sight — Reconsidering the Use of Race Correction in Clinical Algorithms*. N Engl J Med Aug. 27, 2020; 383;9, 874-82.
- 2295-2299 Olayiwola, J.N., Joseph, J.J, Glover, A.R., Paz, H.L., Gray, II, D.M. *Making Anti-Racism a Core Value in Academic Medicine*. Health Affairs Forefront August 25, 2020.